UNITED STATES DISTRICT COURT 1 2 DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff, Case No.: 2:13-cr-00186-GMN-VCF-1 5 VS. **ORDER** 6 ABDUL HOWARD, 7 Defendant. 8 9 10 On March 28, 2016, the defendant filed a Motion for New Trial (ECF No. 287) and a 11 Motion for a Hearing (ECF No. 288). The government filed a Response (ECF No. 289) to the 12 motions on April 6, 2016. As the government states in the response, "[I]f an appeal is pending, 13 the court may not grant a motion for a new trial until the appellate court remands the case." 14 Fed. R. Crim. P. 33(b)(1). (Resp. in Opp'n to Defs.' Mot. for New Trial 2:19-20). 15 Accordingly, 16 **IT IS HEREBY ORDERED** that Defendant's Motion for New Trial (ECF No. 287) 17 and a Motion for a Hearing (ECF No. 288) are DENIED without prejudice. 18 **DATED** this 26 day of April, 2016. 19 20 M. Navarro, Chief Judge United States District Court 21 22 23 24 25